

MEMORANDUM ENDORSED

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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 12/15/2022

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December 14, 2022

VIA ECF

Honorable Gregory H. Woods
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *Zivkovic v. Laura Christy LLC, et al,*
No.: 17 CV 553 (GHW)(GWG)

Dear Judge Woods,

We represent Plaintiffs and the Fed. R. Civ. P. Rule 23 Subclasses (“Plaintiffs”) in the above-referenced matter. We write to respectfully request that the Court So Order the attached subpoena as part of the subclass’s efforts to collect the Judgment in this matter, all of which remains due and owing.

As part of Plaintiffs’ judgment collections efforts under Fed. R. Civ. P. 69 and N.Y.C.P.L.R. Article 52, on December 5, 2022, Plaintiffs served a subpoena on an accountant, Milton J. Pirsos, who provided accounting and tax preparing services for at least three of the four Judgment-Debtors. Yesterday, we were contacted by an attorney who represents Mr. Pirsos who informed us that his client would not produce any documents in response to that subpoena absent either a court order or consent of the Judgment-Debtors. The attorney also informed us that Mr. Pirsos has been unsuccessful in securing the Judgment-Debtors’ consent. Accordingly, we prepared a subpoena (attached hereto as Exhibit A), and respectfully request that the Court “So Order” the document on the bottom of the first page so that we can secure Mr. Pirsos’s compliance.

We thank the Court for its attention to this matter.

Respectfully submitted,

JOSEPH & KIRSCHENBAUM LLP

/s/ Josef Nussbaum

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cc: All Counsel of Record (via ECF)

Application denied without prejudice. The Court declines to “so-order” the subpoena submitted by Plaintiffs. Dkt. No. 345. Plaintiffs indicate that they served a valid subpoena on Mr. Milton J. Piros on December 5, 2022. If the recipient of a valid subpoena has failed to comply with it, Plaintiffs may seek to enforce the subpoena before the appropriate court.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 345.

SO ORDERED.

Dated: December 15, 2022
New York, New York


GRÉGORY H. WOODS
United States District Judge